

REMARKS

Claims 1-40 are currently pending. No claims have been amended. Claims 10, 32, and 39¹ have been withdrawn as being directed to a non-elected species. Applicants reserve the right to file divisional applications directed to the non-elected claims.

1. Rejections Under 35 U.S.C. §112

Reconsideration is requested of the rejection of claims 9 and 20 under 35 U.S.C. §112, first paragraph, as not being enabled.

Claim 9 depends from claim 8 and further requires the third benefit imparted by the third wipe to be a protecting and preventing damage benefit.

Claim 20 depends from claim 19 and further requires the third benefit imparted by the third wipe to be a protecting and preventing damage benefit.

In order to satisfy the enablement requirement, the specification need only disclose sufficient information to enable one skilled in the art to make and use the invention without undue experimentation.²

¹ Applicants note that in the Office Action Summary, the Office has stated that claim 38 has been withdrawn and claim 39 is pending, but on page 2 of the Office action, the Office has stated that claim 38 is pending and claim 39 has been withdrawn as reading on a non-elected species. Based on the elected species, applicants assume that the claim the Office meant to withdraw was actually claim 39, and that claim 38 is still pending.

² "[T]he specification must teach those skilled in the art how to make and use the full scope of the claimed invention without 'undue experimentation'...All that is necessary is that one skilled in the art be able to practice the claimed invention, given the level of knowledge and skill in the art." MPEP

In the present case, applicants respectfully submit that the specification is sufficiently enabling to allow one skilled in the art to practice the present invention without undue experimentation. For instance, the specification provides guidance on how to make a wet wipe and properties of suitable wet wipes (see ¶34-44), and suitable amounts of skin care formulation that may be applied to the basesheet to form the wet wipe (see ¶45). The specification also provides guidance on types of markings that may be added to the wipes, how to introduce the markings onto the wipes, and suitable inks that may be used to make the markings on the wipes (see ¶46-50).

The Office has stated that while the specification is enabling for "protecting," it does not reasonably provide enablement for "preventing" damage. Applicants respectfully disagree and submit that the specification enables more than just wet wipes for protecting against skin damage.

For example, paragraph 53 of the specification describes "protecting and preventing damage to the skin," and also provides several examples of agents that may be used to protect and prevent damage, such as antimicrobials, sunscreens, skin protectants, and rash relievers.³ In this regard, applicants

§2164.08. See also MPEP §2164.01, citing *United States v. Teletronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988) ("The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.").

³ In particular, paragraph 53 states:

As used herein, protecting and preventing damage to the skin includes protecting and preventing damage to the epidermis and

note that these agents are described in the specification as being both suitable for use in protecting skin and in preventing damage to the skin. Additionally, applicants note that other agents that may be used to prevent damage to the skin are well known in the art and, as such, one skilled in the art would be able to recognize such agents and incorporate them into a wipe of the present invention without undue experimentation.

Applicants are not required to list all agents suitable for preventing skin damage in order to satisfy the enablement requirement.⁴

Furthermore, "[a]s long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement of 35 U.S.C. §112 is satisfied."⁵ In this instance, the specification provides adequate guidance on how to make a wet wipe and on wet wipe properties, the amount of skin care composition that may be used to form the wet wipe, suitable inks and methods for forming the marking on the wipes, and examples of agents that are suitable for preventing skin damage. As such, one skilled in the art could readily make a wet wipe wherein the wet wipe imparts a protecting and

dermis layers of the skin. Agents such as antimicrobials, sunscreens, skin protectants and rash relievers are suitable agents for protecting and preventing damage to the skin. In one embodiment, a wet wipe comprising a sunscreen agent can be included in the skin care systems of the present invention such that upon use of the wipe, the sunscreen is transferred to the skin of the user to protect and prevent damage to the skin.

⁴ MPEP §2164.08 states: "not everything necessary to practice the invention need be disclosed. In fact, what is well known is best omitted."

⁵ MPEP §2164.01(b).

preventing damage benefit without undue experimentation, given the adequate guidance provided by the specification. The specification thus discloses sufficient information to enable one skilled in the art to make and use the invention defined in claims 9 and 20 without undue experimentation.

2. Objections to the Claims

The Office has stated that if claims 1-9 and 11 are found allowable that claims 12-31 and 33-40 will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. Since the Office has not yet made this objection, applicants will defer addressing this issue fully until such an objection is actually made by the Office.

Applicants do note, however, that the Office's assumption that claims 12-31 and 33-40 are substantial duplicates of claims 1-9 and 11 is incorrect. While there may be some overlap of subject matter between independent claims 1, 12, 21, 28, and 33, these claims are not merely reworded duplicate claims. Rather, each independent claim has a different scope as compared to each of the other independent claims. As noted in MPEP §706.03(k), claims that differ in scope are not duplicate claims. As such, objecting to claims 12-31 and 33-40 as duplicates of claims 1-9 and 11 would be improper.

3. Rejection Under 35 U.S.C. §103(a)

Reconsideration is requested of the rejection of claims 1-9 and 11-40 under 35 U.S.C. §103(a) as being unpatentable over

Bogart, et al. (U.S. Patent No. 4,786,367) in view of Wilkman (U.S. Patent Appl. Pub. No. 2003/0106812), Hagopian (U.S. Patent No. 6,581,775), Hammond, et al. (U.S. Patent No. 6,986,886), and Tomarchio, et al. (EP 1 266 600).

Claim 1 is directed to a pre-packaged multi-step skin care system for caring for skin. The system comprises a first wet wipe for imparting a first benefit to the skin, a second wet wipe for imparting a second benefit to the skin, and a third wet wipe for imparting a third benefit to the skin. The first wet wipe comprises a marking to alert a user to use the first wet wipe prior to the second wet wipe, the second wet wipe comprises a marking to alert a user to use the second wet wipe after the first wet wipe, and the third wet wipe comprises a marking to alert a user to use the third wet wipe after the second wet wipe.

Bogart, et al. is directed to bulky cellulosic fibrous webs that have been treated with lauroamphoglycinate. The fibrous webs impart a soothing or emollient effect to human skin when used for wiping or drying, while retaining their water-absorbent property and strength. Significantly, Bogart, et al. fail to disclose a pre-packaged multi-step skin care system comprising a first wet wipe for imparting a first benefit to the skin, a second wet wipe for imparting a second benefit to the skin, and a third wet wipe for imparting a third benefit to the skin. Nor do Bogart, et al. disclose wipes having a marking to alert a user to the order of use of the wipes.

KCC 4967
K-C 19,318
PATENT

Wilkman is directed to wipe packages comprising an impregnated wipe, a sealed package containing the impregnated wipe, an exterior surface, and at least one receptacle on the exterior surface to secure the package to a user's hand or finger. The wipes may be attached to the package material so that when used, the user's hands are protected from unwanted transfer of wipe formulations from the impregnated wipe to the user's skin. The impregnated wipes may be packaged as kits or collections of various related types of wipes. Significantly, Wilkman fails to disclose wipes comprising a marking to alert a user to the order of use of the wipes.

Hagopian is directed to prophylactic kits for external genital cleansing. The kits include one or more individually packaged wipes having topical microbicides, personal lubricants, or sterile water impregnated therein, and condoms. In one embodiment, the kit may include a first wipe impregnated with a lubricant, a second wipe impregnated with water-based glycerol and nonoxynol-9, and a third wipe impregnated with sterile water or a sterile water based solution. Significantly, Hagopian fail to disclose wipes comprising a marking to alert a user to the order of use of the wipes.

Hammond, et al. is directed to a hair care composition comprising an aminofunctional polysiloxane having a specified average effective particle size which provides improved durable conditioning when used in conjunction with a hair coloring composition. Also disclosed are kits comprising at least two components that can be used to color and condition hair. In one

embodiment, the kit may comprise a hair coloring composition, a hair conditioning composition, and instructions for use. The hair coloring composition and hair conditioning compositions may be separately packaged. Significantly, Hammond, et al. fail to disclose wet wipes at all, and furthermore fail to disclose wipes comprising a marking to alert a user to the order of use of the wipes.

Tomarchio discloses printed wet wipes comprising a flexible sheet like substrate to which has been applied an aqueous or non-aqueous composition and printed with a non-aqueous or aqueous ink. The wipes may have printed thereon instructions for use, or a message to the consumer, such as how many wipes remain. Significantly, Tomarchio fails to disclose wipes comprising a marking to alert a user to the order of use of the wipes.

As stated in MPEP §2143, in order for the Office to show a *prima facie* case of obviousness, the Office must meet three criteria: (1) the prior art references must teach or suggest all of the claim limitations; (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings; and (3) there must be some reasonable expectation of success.

Initially, applicants note that the cited references fail to teach or suggest all of the claim limitations. In particular, as noted above, none of the cited references teach or suggest a pre-packaged multi-step skin care system comprising

a first wet wipe, a second wet wipe, and a third wet wipe, for imparting a first benefit, a second benefit, and a third benefit, respectively, to the skin, wherein the wet wipes comprise markings to alert a user as to the order of use of the wipes.

In fact, the only disclosure in any of the references of markings on a wipe is in Tomarchio. As noted above, Tomarchio discloses wet wipes that may have printed thereon some type of image, such as a design, mark, figure, picture, identification code, word, pattern, or instruction (see Tomarchio at ¶9). There is, however, no disclosure or suggestion in Tomarchio that the printed image should be a marking to alert a user to the order of use of the wet wipes. Rather, Tomarchio states that the image printed onto the wipes described therein allows the user to distinguish one side of the wipe from another. This is beneficial in helping to reduce the spread of contamination, since the user can distinguish the used (or contaminated) side of the wipe from the unused side (see Tomarchio at ¶10). Tomarchio also states that the printed image on the wipe can communicate a message to the consumer (e.g., how many wipes remain) or may be instructions for wipe use (see Tomarchio at ¶12-13). Nowhere, however, does Tomarchio disclose or suggest that the wipes should comprise a marking to alert a user to the order of use of the wipes. Additionally, as noted above, none of the other cited references disclose wipes with markings of any kind thereon, much less wipes comprising a marking to alert a user to the order of use of the wipes. Thus, the cited

references, alone or in combination, fail to teach or suggest all the limitations of applicants' claim 1.

Additionally, there is no motivation or suggestion to modify or combine the teachings of the cited references to arrive at applicants' claimed skin care system. The Office has stated that it would have been obvious to combine the teachings of Bogart, et al. Hagopian, Wilkman, Hammond, et al., and Tomarchio in order to obtain a system comprising numerous products into one kit. In particular, the Office has cited ¶73 of Wilkman, which states "By grouping the wipes in such configurations, the need to carry containers of various lotions and other products during an outing is eliminated." Applicants respectfully disagree with the Office and submit that there is no motivation to combine or modify the teachings of the cited references to arrive at applicants' claim 1.

Initially, applicants note that the skin care system of applicants' claim 1 is not just a collection of numerous products in one kit, as characterized by the Office. Rather, the system comprises a first wet wipe, a second wet wipe, and a third wet wipe, wherein the wet wipes impart a first benefit, a second benefit, and a third benefit, respectively, to the skin. Significantly, the wet wipes comprise a marking to alert a user to the order of use of the wet wipes.⁶ As noted in the specification, by marking the wipes in this manner, the user is

⁶ In particular, the first wet wipe comprises a marking to alert a user to use the first wet wipe prior to the second wet wipe, the second wet wipe comprises a marking to alert a user to use the second wet wipe after the

alerted as to the proper sequence of use of the products, which eliminates confusion about how to properly use the skin care system, and allows the user to attain maximum skin benefit from the wipes (see Specification at ¶22). This aspect of applicants' claimed invention is neither taught nor suggested by any of the cited references.

As noted above, the only disclosure in any of the references of markings on a wipe is in Tomarchio. The images printed on the wipes of Tomarchio, however, are merely to allow the user to distinguish one side of the wipe from another, or to communicate a message to the consumer, such as how many wipes remain in a stack of wipes or instructions for wipe use. There is, however, nothing in Tomarchio that would suggest to one skilled in the art that the image printed on the wipes should be a marking to alert a user to the order in which the wipes should be used. As such, one skilled in the art would not be motivated by Tomarchio to print a marking on a wipe to alert the user as to the order of use of the wipes.

Such motivation is likewise not found in Wilkman. As noted above, Wilkman is directed to wipe packages comprising impregnated wipes that may be packaged as kits or collections of various related types of wipes. In one specific example, Wilkman states that the collection may be a cosmetic package that may consist of skin care items such as moisturizers, sun blocks, vitamin-enriched formulas, eye make-up remover, and hand

first wet wipe, and the third wet wipe comprises a marking to alert a user to use the third wet wipe after the second wet wipe.

cleaning or sanitation wipes (see Wilkman at ¶73). Wilkman, however, fails to disclose or suggest that the wipes in such a package should or could be marked in a manner so as to indicate to a user the order in which the wipes should be used. Nor does Wilkman teach or suggest that the wipes in such packages need to be used in any particular order, or recognize the benefit of using certain of these wipes in a particular order.⁷ One skilled in the art would thus not be motivated to use the wipes of Wilkman in any particular order, nor to include a marking on wipes to alert a user to the order of use of the wipes.

Additionally, such motivation is not found in Bogart, et al., Hagopian, or Hammond, et al. As noted above, Bogart, et al. is merely directed to a wipe that imparts a soothing or emollient effect to human skin when used for wiping or drying, but fails to teach multiple wipes imparting multiple benefits to the skin, and further fails to teach marking the wipes for any reason, much less to alert a user to the order of use of the wipes. One skilled in the art would thus not be motivated by

⁷ Wilkman does state that in one embodiment, an impregnated wipe package may include two or more wipes, and that the wipes may be impregnated with the same or different formularies (e.g., one wipe impregnated with a cleaning substance to clean the surface prior to applying a treatment substance with the other wipe). See Wilkman at ¶132-133. Applicants note, however, that this embodiment of Wilkman would not motivate one skilled in the art to mark on the wipes the order of use of the wipes since, based on the configuration of the impregnated wipe package, the order of use of the wipes would be obvious (i.e., there is only one order in which they would be used). More particularly, Wilkman states that one wipe is attached to the rear sheet and the other (outer) wipe may stick to the inner wipe or be separated by a separation layer secured to the inner wipe. Based on this configuration, there would be no need to mark the wipes to indicate the order of use, as the only way to use the wipes would be to use the outer wipe before the inner wipe.

Bogart, et al. to include markings on wipes to alert a user to the order of use of multiple wipes imparting multiple benefits.

Furthermore, Hammond, et al. fail to disclose or suggest wet wipes at all, much less wet wipes comprising markings that alert a user to the order of use of the wet wipes. Rather, Hammond, et al. is directed to a hair care composition and kits that may comprise a hair coloring composition, a hair conditioning composition, and instructions for use. In particular, the Office has cited column 22, lines 28-33 of Hammond, et al. in the Office action. The cited lines indicate that the kits of Hammond, et al. may comprise instructions for applying the color composition and hair conditioning composition to the hair in separate steps. Applicants respectfully note that mere disclosure of instructions for application of hair coloring and conditioning compositions does not provide motivation to one skilled in the art to mark wet wipes to alert a user to the order in which the wipes should be used.

Additionally, as noted above, Hagopian is directed to prophylactic kits for external genital cleansing. Although the kits of Hagopian may comprise more than one wipe type (e.g., a wipe comprising a lubricant, a wipe comprising water-based glycerol and nonoxynol-9, a wipe comprising sterile water), there is no disclosure or suggestion in Hagopian that the wipes should be marked to indicate the order of use and no recognition of the benefits of marking wipes in this manner.⁸ Since Hagopian

⁸ Furthermore, it is clear from Hagopian that the order of wipes used is not especially significant. For instance, although Hagopian calls the lubricant containing wipe the "first wipe", the glycerol and nonoxynol-9 containing

fail to suggest marking the wipes to indicate order of use, and fail to recognize the benefits of marking wipes in this manner, one skilled in the art would not be motivated by Hagopian to include a marking on the wipes to alert a user to the order in which the wipes should be used.

Thus, in summary, the combined teachings of the cited references fail to teach or suggest a skin care system comprising a first wet wipe for imparting a first benefit to the skin, a second wet wipe for imparting a second benefit to the skin, and a third wet wipe for imparting a third benefit to the skin, wherein the wipes comprise markings to alert a user to the order in which the wipes should be used. Nor do the teachings of the cited references recognize the benefits of marking wipes in this manner. As such, one skilled in the art would not be motivated to modify the teachings of the cited references to arrive at applicants' claimed skin care system. Applicants thus respectfully submit that claim 1 is patentable over the cited references.

Additionally, it is well settled that the burden is on the Office to provide some suggestion of the desirability to do what the inventor has done; that is, the Office must present a convincing line of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the

wipe the "second wipe", and the sterile water containing wipe the "third wipe," it is clear that Hagopian do not intend that these wipes should always be used in this order. For example, column 4, lines 49-51 state that the nonoxynol-9 containing wipe (i.e., the "second wipe") can be used before the first wipe ("The first wipe surface-works to deliver the first wipe solution,

teachings of the references. Applicants respectfully submit that the Office has not presented any reasons why the teachings of the cited references should be modified or combined, let alone a convincing line of reasoning as required by the MPEP.⁹

The Office has merely stated that it would be obvious to one skilled in the art to combine the teachings of the cited references in order to obtain a system comprising numerous products into one kit. However, as discussed above, the system of applicants' claim 1 is not just a collection of numerous products in one kit, but rather provides multiple wet wipes wherein the wet wipes comprise a marking to alert a user to the order of use of the wet wipes. The Office fails, however, to provide any reasoning as to why one skilled in the art would combine or modify the cited references to arrive at such a system.¹⁰

clean the genital region, and, if a wipe containing nonoxynol-9, or other irritating microbicides, is used before the first wipe...").

⁹MPEP §2142 states:

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." quoting Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985) (emphasis added).

¹⁰ While the Office has stated throughout the Office action what the various references disclose, there is no reasoning set forth in the Office action as to why the references should be combined or modified to arrive at applicants' claim 1. Applicants respectfully submit that mere independent comment about each of the cited references is not tantamount to a convincing line of reasoning for why the references could be combined or modified.

Claims 2-9 and 11 depend directly or indirectly from claim 1 and are thus patentable for the same reasons as set forth above for claim 1 as well as for the additional elements they require.

Claims 12-20

Independent claim 12 is directed to a pre-packaged multi-step skin care system for caring for skin, the system comprising a first container comprising a first wet wipe for imparting a first benefit to the skin, a second container comprising a second wet wipe for imparting a second benefit to the skin, and a third container comprising a third wet wipe for imparting a third benefit to the skin, the first wet wipe comprising a marking to alert a user to use the first wet wipe prior to the second wet wipe, the second wet wipe comprising a marking to alert a user to use the second wet wipe after the first wet wipe, and the third wet wipe comprising a marking to alert a user to use the third wet wipe after the second wet wipe.

Claim 12 is patentable for the same reasons as set forth above for claim 1. In particular, none of the cited references teach or suggest a skin care system in which wet wipes are marked to alert a user to the order in which the wipes should be used. Nor is there any motivation to modify or combine the cited references to arrive at such a system.

Claims 13-20 depend directly or indirectly from claim 12 and are thus patentable for the same reasons as set forth above

for claim 12 as well as for the additional elements they require.

Claims 21-27

Independent claim 21 is directed to a pre-packaged multi-step skin care system for caring for skin, the system comprising a first container comprising a first wet wipe for imparting a first benefit to the skin, a second container comprising a second wet wipe for imparting a second benefit to the skin, and a third container comprising a third wet wipe for imparting a third benefit to the skin, the first container comprising a marking to alert a user to use the first wet wipe prior to the second wet wipe, the second container comprising a marking to alert a user to use the second wet wipe after the first wet wipe, and the third container comprising a marking to alert a user to use the third wet wipe after the second wet wipe.

Initially, applicants note that the cited references fail to teach or suggest all the limitations of claim 21. In particular, the cited references fail to teach or suggest a skin care system comprising a first container comprising a first wet wipe for imparting a first benefit to the skin, a second container comprising a second wet wipe for imparting a second benefit to the skin, and a third container comprising a third wet wipe for imparting a third benefit to the skin, wherein the containers comprise markings to alert a user to the order of use of the wet wipes.

Although several of the cited references disclose containers or packages comprising wet wipes, the only disclosure in any of the references of markings on a container comprising a wet wipe is in Wilkman. As noted above, Wilkman is directed to wipe packages comprising impregnated wipes that may be packaged as kits or collections of various related types of wipes. Wilkman states that the front sheet of the package may have printed on its exterior side "any materials relevant to the product, such as the product name, company name, logos, package ingredients, directions for use, promotional materials, etc." (see Wilkman at ¶71). Nowhere, however, does Wilkman disclose or suggest that the packages should have printed thereon a marking to alert a user as to the order of use of the wipes.

Additionally, none of the other cited references disclose wet wipe containers with markings of any kind thereon, much less containers (comprising a wet wipe) that comprise a marking to alert a user to the order of use of the wipes. As noted above, Tomarchio discloses wet wipes that may have printed thereon images so that the consumer can distinguish one side of the wet wipe from the other, or images that convey a message to the consumer, such as how many wipes remain in a stack of wipes or instructions for use. Although Tomarchio states that the printed wet wipes may be packaged in containers, there is no teaching or suggestion that the containers should or could have any markings thereon, much less that the containers should contain any markings to alert a user to the order of use of the wipes. Hagopian states that the wipes in his kits may be

separately packaged, but does not teach or suggest markings of any kind on the wipe packages. Hammond, et al. and Bogart, et al. both fail to disclose containers comprising wet wipes, much less teach or suggest containers (comprising a wet wipe) having a marking thereon that alerts a user to the order in which wet wipes should be used. Thus, the cited references, either alone or in combination, fail to teach or suggest all the limitations of applicants' claim 21.

Additionally, there is no motivation or suggestion to modify or combine the cited references to arrive at applicants' claimed skin care system. There is simply nothing in Wilkman to suggest to one skilled in the art that the printing on the wipe-containing packages should be a mark to alert a user to the order of use of the wipes. Additionally, as noted above, Tomarchio fails to teach or suggest that the containers comprising the printed wipes described therein should be marked in any way, much less that they should contain a marking to alert a user as to the order in which the wipes should be used. Furthermore, Hammond, et al. and Bogart, et al. both fail to disclose containers comprising wet wipes, much less teach or suggest containers (comprising a wet wipe) having a marking thereon that alerts a user to the order in which wet wipes should be used. Additionally, while Hagopian is directed to prophylactic kits for external genital cleansing that may comprise separately packaged wipes, Hagopian says nothing about marking the wipe-containing packages to alert a user to the order in which the wipes should be used.

Thus, in summary, the combined teachings of the cited references fail to teach or suggest a skin care system comprising a first container comprising a first wet wipe for imparting a first benefit to the skin, a second container comprising a second wet wipe for imparting a second benefit to the skin, and a third container comprising a third wet wipe for imparting a third benefit to the skin, wherein the containers comprise markings to alert a user to the order of use of the wet wipes. As such, one skilled in the art would not be motivated to modify or combine the cited references to arrive at applicants' claimed skin care system.

Claims 22-27 depend from claim 21 and are thus patentable over the cited references for the same reasons as set forth above for claim 21 as well as for the additional elements they require.

Claims 28-32

Claim 28 is directed to a pre-packaged multi-step skin care system for caring for skin, the system comprising a first product, a second product, and a third product, the first product comprising a marking to alert a user to use the first product prior to the second product, the second product comprising a marking to alert a user to use the second product after the first product, and the third product comprising a marking to alert a user to use the third product after the second product.

Claim 28 is patentable over the cited references for similar reasons to those set forth above for claim 1. In particular, none of the cited references teach or suggest a skin care system comprising a first product, a second product, and a third product, in which the products are marked to alert a user to the order in which the products should be used. Nor is there any motivation to modify or combine the cited references to arrive at such a skin care system.¹¹

Claims 29-32 depend from claim 28 and are thus patentable for the same reasons as set forth above for claim 28 as well as for the additional elements they require.

Claims 33-40

Claim 33 is directed to a pre-packaged multi-step skin care system for caring for skin, the system comprising a first wet wipe for cleaning the skin, a second wet wipe for moisturizing the skin, and a third wet wipe for applying sunscreen to the skin, the first wet wipe comprising a marking to alert a user to use the first wet wipe prior to the second wet wipe, the second

¹¹ In this regard, applicants note that the mere inclusion in kits of instructions for use of kit components is not motivation for marking the order of use of the kit components on the components themselves. For example, as noted above, the kits of Hammond, et al. may comprise instructions for applying the color composition and hair conditioning composition to the hair in separate steps. There is, however, no disclosure or suggestion that the coloring or conditioning compositions should themselves be marked to indicate the order in which they should be used. Just because certain products in a kit can be used in a certain order is not motivation to mark the products themselves to indicate the order of use. There is simply no recognition in any of the cited references of the benefits of marking products of a skin care system to alert a user to the order of use of the products.

wet wipe comprising a marking to alert a user to use the second wet wipe after the first wet wipe, and the third wet wipe comprising a marking to alert a user to use the third wet wipe after the second wet wipe.

Claim 33 is patentable for the same reasons as set forth above for claim 1. In particular, none of the cited references teach or suggest a skin care system in which wet wipes are marked to alert a user to the order in which the wipes should be used. Nor is there any motivation to modify or combine the cited references to arrive at such a skin care system.

Furthermore, the cited references fail to teach or suggest a skin care system comprising a wet wipe for cleaning the skin, a wet wipe for moisturizing the skin, and a wet wipe for applying sunscreen to the skin, wherein the wipes are marked to alert the user to use the cleaning wipe prior to the moisturizing wipe, and the sunscreen wipe after the moisturizing wipe.

Nor do the cited references recognize the benefit of using wet wipes in this particular sequence. For example, as noted above, Wilkman states that his invention includes kits or collections of related wipes, and in particular, mentions a cosmetic package which may consist of skin care items such as moisturizers, sunblocks, vitamin-enhanced formulas, eye makeup remover, and hand-cleaning or sanitation wipes. There is, however, no teaching or suggestion in Wilkman that a wet wipe for cleaning the skin should be used before a wet wipe for moisturizing the skin and that the wet wipe for moisturizing the

skin should be used before a wet wipe for applying sunscreen to the skin. There is simply no teaching or suggestion in Wilkman of this particular sequence of wet wipe use, nor any recognition of the benefit of such a sequence of use. The same may be said of the other cited references, which either fail to teach or suggest wet wipes at all, or fail to teach or suggest the particular order of use of wet wipes set forth in applicants' claim 33. Claim 33 is thus patentable over the cited references for this additional reason.

Claims 34-40 depend directly or indirectly from claim 33 and are thus patentable for the same reasons as set forth above for claim 33 as well as for the additional elements they require.

KCC 4967
K-C 19,318
PATENT

CONCLUSION

In light of the foregoing, applicants respectfully request withdrawal of the rejection of claims 1-9 and 11-40 and allowance of all pending claims.

The Commissioner is hereby authorized to charge any government fees which may be required to Deposit Account No. 19-1345.

Respectfully Submitted,



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